

Patent Application No. MPI1999-017DV1AM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hodge, *et al.*
Application No.: 09/894,749 Group No.: 1652
Filed: June 27, 2001 Examiner: RAO, M.N.
For: Novel RGS Containing Molecules and Uses Thereof

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Kerri Pollard Schray hereby state:
Name of Applicant or Assignee's representative

1. That the following culture(s) referred to in the specification of this application have been deposited:

<u>E. coli TOP10F' vector pCR2.2, Epm 1975</u>	<u>207048</u>
Strain	Accession number
<u>E. coli TOP10F' vector pCR2.2, Eph 16395A</u>	<u>207049</u>
Strain	Accession number
<u>E. coli TOP10F' vector pCR2.2, Eph 16395B</u>	<u>207050</u>
Strain	Accession number

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"
Mailing Label No.

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Diana Gentile

Diana Gentile

(type or print name of person certifying)

Date: June 14, 2004

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2. That the date of the above deposit is:

(check appropriate item below)

- ☒ before the U.S. filing date of this application.
☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

3. That the name and address of the depository is:

American Type Culture Collection (ATCC)

Name of depository

10801 University Blvd Manassas, VA 20110

Address of depository

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

(complete a, b or c below)

- a. ☒ the depository.
b. ☐ the applicant.
c. ☐ a competent third party.

WARNING: *If the applicant himself or a competent third party makes the statement that the microorganism is viable and is capable of reproduction, if appropriate, then the tests must have been performed on a sample certified to have been (1) received by the depository with the same samples actually deposited and (2) promptly returned to applicant.*

5. That, with respect to the permanence of the culture(s) deposit:

(complete a, b, or c)

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
b. ☐ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
c. ☐ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I affirm that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

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6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

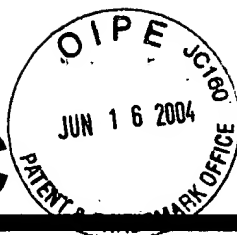
☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

June 14, 2004

MILLENNIUM PHARMACEUTICALS, INC.

By 
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Cambridge, MA 02139
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☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on behalf of assignee

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Pharmaceuticals, Inc.
Attn: David Yowe
640 Memorial Drive
Cambridge, MA 02139

Deposited on Behalf of: Millennium Pharmaceuticals, Inc.

Identification Reference by Depositor:

ATCC Designation

<i>Escherichia coli</i> TOP10F' Vector pCR2.2, Epm1975	207048
<i>E. coli</i> TOP10F' Vector pCR2.2, Eph16395A	207049
<i>E. coli</i> TOP10F' Vector pCR2.2, Eph16395B	207050

The deposits were accompanied by: ☐ a scientific description ☒ a proposed taxonomic description indicated above. The deposits were received January 14, 1999 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested January 20, 1999. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey

Barbara M. Hailey, Administrator, Patent Depository

Date: January 21, 1999

cc: Jean M. Silveri, Esq.